CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MARCH 17, 2009

INVOCATION:
Pastor Israel Gonzalez of Santa Maria Presbyterian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Cordero led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Patino, Zacarías, and Mayor Lavagnino. Councilmember Orach participated via teleconference from 1719 Bilboa Drive, Santa Maria, CA.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Acting Director of Community Development Woods, Planner III Shipsey, Police Chief Macagni, Fire Battalion Chief Johnson, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Community Programs Manager Coelho-Hudson, Senior Assistant City Attorney/Utilities Counsel Stockton, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Councilmember Zacarías presented a gift to Ray Heath and Taylor Heath who accepted on behalf of their son and father, Ryan Heath, the Recreation and Parks Volunteer of the Month for March 2009, for his exemplary leadership and commitment in coaching softball, basketball, and floor hockey as well as assisting in fundraising and special events for the Northern Santa Barbara County Special Olympics.

PROCLAMATION – NAACP 100TH ANNIVERSARY
Mayor Lavagnino read a proclamation congratulating and commending the National Association for the Advancement of Colored People (NAACP) as they celebrate 100 years as the nation's oldest and most effective civil rights advocacy organization. The proclamation was accepted by Willie Green.

PUBLIC COMMENT
George Alvarez spoke on the NAACP's 100th Anniversary and the pride of having the first African American President. He also spoke about the Council making a decision without having all the facts before them regarding the Police Impound Yard. He said it was important that there is transparency in government.

Joan Leon, League of Women Voters, spoke regarding the lack of health care for many of the City's residents. She said March 22nd was "Cover the Uninsured Week." Quality, affordable health care should be available to everyone. The League of Women Voters supports Senate Bill 810. She urged the Council to support the bill.

Daisy Haeberle spoke about Consent Agenda Item 3L, a two-way stop at East El Camino Street and North Vine Street and East Tunnel Street and North Vine Street. She said they were having problems in the neighborhood with speeding and near accidents and would like to have the two-way stop sign approved.

George Dailey stated he, too, was concerned about health care in the State and the Country as 46 million people did not have health care, including 9 million children. As

more people lost their jobs, the number of uninsured would continue to rise. He also supported Senate Bill 810.

Dave Rodriguez, U. S. Bureau of the Census, thanked the City of Santa Maria for the reception they got when they opened their Santa Maria office. He said about $1,000 per person came back to the community for each person counted in the Census. They would be hiring local people to canvas the neighbors. He requested the Council adopt a resolution supporting the 2010 Census within the next 60 days.

CONSENT CALENDAR
Councilmember Zacarias asked to have Item 3L, 2-Way Stop, pulled for comment.

Item 3L – Proposed two-way stop at El Camino/Vine and Tunnel Street/Vine
Councilmember Zacarías thanked Director of Public Works/City Engineer Whitehead for addressing this problem. She thanked Ms. Haeberle for contacting the Traffic Committee and encouraged people to contact the City if they had a traffic problem in their neighborhood.

Councilmember Patino requested the record to show she was voting no on Item 3E, Ordinance No. 2009-07 a rezoning for Santa Maria Village Senior Apartment Project. Consent Calendar Items A through M were approved on motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES: Councilmember Patino (3E only)
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of March 3, 2009, were approved as submitted.

C. WARRANTS
Warrant Nos. 149098 to 149412 totaling $1,104,714.40 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 142668, 146383, 146392, 148345, and 149179 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ORDINANCE NO. 2009-07
Council conducted the second reading by title only of Ordinance No. 2009-07 rezoning 450 and 460 West Stowell Road from R-1 (Single Family Residential) to PD/R-3 (Planned Development/High Density Residential) for the Santa Maria Village Senior Apartment Project, and adopted the Ordinance.

Ordinance No. 2009-07 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING PROPERTY FOR THE SANTA MARIA VILLAGE SENIOR APARTMENT PROJECT, LOCATED AT 450 AND 460 WEST STOWELL ROAD, ASSESSOR'S PARCEL NUMBER 117-250-023, 1.85 ACRES (FILE NO. GPZ-2008-001)

F. WEED ABATEMENT

Resolution No. 2009-30 was adopted declaring weeds, rubbish, refuse and dirt upon or in front of property to be a public nuisance, and commencing proceedings for the abatement of these nuisances, and setting a public hearing for April 21, 2009, to consider any objections or protests to the abatement program.

Resolution No. 2009-30 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING THAT NOXIOUS AND DANGEROUS WEEDS ARE GROWING UPON OR IN FRONT OF THE LISTED PROPERTY, AND RUBBISH, REFUSE AND DIRT ARE UPON OR IN FRONT OF THE LISTED PROPERTY AND THAT THEY CONSTITUTE A PUBLIC NUISANCE WHICH MUST BE ABATED, AND COMMENCING PROCEEDINGS FOR THE ABATEMENT OF THESE NUISANCES PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

G. SEWER EASEMENT VACATION

Resolution No. 2009-31 was adopted summarily vacating the public sewer easement for Ted Zenich Gardens located at 1034 East Chapel Street.

Resolution No. 2009-31 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUMMARILY VACATING A SEWER EASEMENT PER STREETS & HIGHWAYS CODE, PART 3, CHAPTER 4, §8333 (c).

H. BUDGET AMENDMENT

Resolution No. 2009-32 was adopted approving a budget amendment to move the budgeted FY 2009/10 appropriation for solid waste disposal equipment to the FY 2008/09 budget so the City can avoid cost escalations that will occur later this year.

Resolution No. 2009-32 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A BUDGET AMENDMENT FOR THE PURCHASE OF SOLID WASTE DISPOSAL EQUIPMENT.

I. LIMITED TIME PARKING

Resolution No. 2009-33 was adopted approving the establishment of limited time parking zones on Roemer Way and Roemer Place to prohibit parking from 12:00 a.m. to 6:00 a.m., seven days a week.

Resolution No. 2009-33 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING LIMITED TIME PARKING ZONES ON ROEMER WAY AND ROEMER PLACE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

J. NO STOPPING ZONE

Resolution No. 2009-34 was adopted approving the establishment of a no stopping zone on Carlotti Drive, along the southerly right-of-way beginning 30 feet west of the easterly right-of-way of Carlotti Drive, then continuing west for one hundred fifty (150) feet.

Resolution No. 2009-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON CARLOTTI DRIVE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

K. NO STOPPING ZONE

Resolution No. 2009-35 was adopted approving the establishment of a no stopping zone on Centerpoint Parkway, along the westerly right-of-way beginning five-hundred (500) feet south of the southerly right-of-way of Betteravia Road, then continuing south for two hundred fifty-five (255) feet.

Resolution No. 2009-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON CENTERPOINTE PARKWAY PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

L. TWO-WAY STOPS
Resolution No. 2009-36 was adopted approving two-way stops at the intersections of East El Camino Street and North Vine Street and East Tunnel Street and North Vine Street.

Resolution No. 2009-36 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING TWO WAY STOPS AT THE INTERSECTIONS OF EAST EL CAMINO STREET/VINE STREET, AND EAST TUNNEL STREET/VINE STREET PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

M. NOVATION
Resolution No. 2009-37 was adopted approving a novation to substitute the name CalPortland Construction for Union Asphalt, Inc., in the City's Agreement for Mining of Santa Maria River Soil and Performing Concrete and Asphalt Recycling Operations.

Resolution No. 2009-37 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NOVATION AGREEMENT CHANGING THE NAME OF THE CONTRACTOR PERFORMING THE MINING OF SANTA MARIA RIVER SOIL AND CONCRETE AND ASPHALT RECYCLING OPERATION.

N. NOVATION
Resolution No. 2009-38 was adopted approving a novation to substitute the name International Energy Services Company for Diversified Technology Services in the City's Agreement for Utility Location Services.

Resolution No. 2009-38 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NOVATION AGREEMENT CHANGING THE NAME OF THE CONTRACTOR PERFORMING THE UTILITY LOCATING SERVICES.

Mayor Lavagnino moved Item 6 to this point on the agenda.

APPROVAL OF A RECOMMENDATION BY COASTAL BUSINESS FINANCE TO FUND A BUSINESS LOAN.
Community Programs Manager Coelho-Hudson gave the staff report. The City Council is asked to consider a recommendation from Coastal Business Finance to fund a business loan in the amount of $102,000 to C & K Operations, LLC., DBA Central Coast Women's Health under the Business Retention and Attraction Loan Program and authorize the City Manager to execute loan documents for the amount and terms specified by Council. The purpose of the loan was to assist with the purchase and renovation of a 2,795 square foot medical office building located at 300 South Stratford Avenue. Central Coast Women's Health was originally formed in 1962. In 2003, Dr. Carol Karamitsos and Dr. Kerri Wiltchik took over as sole owners. This growing practice is the only female-owned gynecologic medical group in the County. They currently have an active patient base of over 11,000. The practice employs nine staff members with plans to add three more employees in the next two years.

Resolution No. 2009-43 was adopted approving the Business Retention and Attraction Loan in the amount of $102,000 for Central Coast Women's Health on motion by Councilmember Patino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-43 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE RECOMMENDATION OF

COASTAL BUSINESS FINANCE TO FUND A BUSINESS LOAN IN THE AMOUNT OF $102,000 TO C & K OPERATIONS, LLC, DBA CENTRAL COAST WOMEN'S HEALTH, UNDER THE BUSINESS RETENTION AND ATTRACTION LOAN PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE LOAN DOCUMENTS FOR THE AMOUNT AND TERMS SPECIFIED BY COUNCIL.

UNION VALLEY PARKWAY: CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT, AMENDMENT TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN, APPROVAL OF LOCALLY PREFERRED ALIGNMENT ALTERNATIVE, AND APPROVAL OF IMPLEMENTATION RESOLUTION.

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is requested to consider approval of the Union Valley Parkway Project (UVP), including certification of the Final Environmental Impact Report/Environmental Assessment (FEIR/EA), amending the General Plan Circulation Element to delete the planned segment of Union Valley Parkway west of South Blosser Road to Highway 1, approving the Union Valley Parkway Locally-Preferred Alignment Alternative, authorizing staff to acquire County right-of-way, acquire mitigation lands required pursuant to the Biological Opinion, and call for construction bids on the plans and specifications for the Union Valley Parkway Extension from State Route 135 to South Blosser Road. UVP has been planned since the early 1960s as an east-west primary arterial. UVP, in the Locally Preferred Alignment, will provide an additional east-west connection to US 101 from Blosser Road. No other route is available in the area to provide this connection. The City and County have studied UVP many times over the years, with extensive input from the public. Studies have responded to the requests of neighbors and regulatory agencies to fully consider alternatives to the roadway, its alignment and ultimate extent. UVP, in the Locally Preferred Alignment, will alleviate regional and local traffic congestion and promote traffic safety. The UVP project will provide sound wall mitigation to residences between Foxenwood Lane and California Blvd. UVP will provide recreational amenities and, in the Locally Preferred Alignment, preserve the pastoral nature of Pioneer Park. UVP will preserve habitat and provide improvements to enhance the area for wildlife flora and fauna. The Federal Highway Administration has allocated funding for UVP; however that funding has time restrictions making approval of the roadway important now. It is crucial to act to promote the economic health of the community. UVP will also serve economic development projects, such as the Airport Business Park, which the Council has previously approved.

Staff proposes to build the project in phases. The first phase of construction will consist of two lanes from State Route 135 to South Blosser Road. The traffic signal at State Route 135 will be constructed to its ultimate configuration, but will operate only for UVP to the west. The second phase of construction will consist of two lanes from State Route 135 to Hummel Drive. With this phase the traffic signal at State Route 135 will be opened to serve UVP to the east. The third phase of construction will consist of the remaining two lanes from Hummel Drive to South Blosser Road. The roadway project includes the following improvements in its initial phase: the southerly two lanes of UVP, including curb, gutter, sidewalks, street lighting and landscaping; bikeways and a multi-purpose trail from California Boulevard to Foxenwood Lane, the multipurpose trail would occupy a variable buffer area approximately 40 feet wide, and would contain a meandering concrete pathway separated from the roadway, as well as benches and landscaping. Native landscaping would be retained whenever feasible; realignment of Orcutt Road at the Union Valley Parkway extension to provide appropriate intersection spacing; sound walls to mitigate noise produced on the roadway between Foxenwood Lane and California Blvd.; soft-bottomed culverts and exclusion structures beneath the roadway to allow habitat connectivity for sensitive species - during construction, the City will salvage and relocate plants and animals to locations where they will have a permanent opportunity to reproduce and flourish, will secure and reserve upland habitat in a large, cohesive unit to encourage migratory dispersal and recovery of the endangered species and other special-status species, and install native plants within the project area and remove invasive species. At full buildout, the locally-preferred alignment of the UVP roadway portion of the project would consist of four lanes with traffic signals at most intersections. Separately, Caltrans and the County of Santa Barbara are proposing to construct an interchange at Union Valley Parkway/Highway 101.

On November 19, 2008, the Planning Commission considered and unanimously recommended that the City Council approve the FEIR/EA, the General Plan Circulation Element Amendment, and the Locally Preferred Alignment Alternative for the project.

Richard Daulton, Rincon and Associates, gave a brief overview of the project. The General Plan Circulation Element Amendment would remove the segment of Union Valley Parkway between Blosser Road and Highway 1 at the recommendation of the U.S. Department of Fish and Wildlife. He talked about the need for the project. Without it several roadways and intersections were projected to be congested and unsafe. The features and benefits of the project include: the UVP has been planned since the early 1960s as an east-west primary arterial; the Locally Preferred Alignment of UVP provides an additional connection to US 101; it would preserve habitat; provide recreational amenities; and would improve security and emergency access. Additionally, the Federal Highway Administration has allocated funding for UVP and that funding has time restrictions; and it is crucial to promote the economic development of the community.

Councilmember Zacarías asked about the term "Locally Preferred Alignment Alternative" and if that was a legal term.

Mr. Daulton stated Caltrans had guidelines for the preparation of environmental documents which they were involved in. For those documents, Caltrans allowed a local agency to select a "locally preferred alignment" which was typically an alignment shown in planning documents. After the alternatives were reviewed and based on consideration and comparison of the alternatives, that "locally preferred alignment" was selected as the "Locally Preferred Alignment Alternative".

Councilmember Zacarías stated the resolution was asking the Council to affirm that the "Locally Preferred Alignment Alternative" was environmentally superior to all the other alternatives. She asked what consideration was given to the second alternative which was more of a curved design and why the Locally Preferred Alignment Alternative was selected as the best.

Mr. Daulton stated each alternative was given equal consideration and each had trade-offs. The second alternative with the curved alignment put the UVP very close to the southern edge of Pioneer Park which was the passive use area of the park where camping was permitted. While Alternative 2 got further away from Foxenwoods, it was closer to Pioneer Park.

Councilmember Zacarias stated if the only consideration was for the passive activities at Pioneer Park, a mitigation would be to move the passive area to the other side of Pioneer Park.

Mr. Daulton stated that might be feasible. He explained that by moving the alignment to the north, it fragmented the habitat area more. The Locally Preferred Alignment Alternative provided a better opportunity to preserve the environmental habitat area.

Councilmember Zacarías asked about the existing portion of UVP being two lanes.

Mr. Daulton explained that the initial phases of the project would be two lanes, and would ultimately be four lanes. Hopefully, that would coincide with four lanes on the County's portion as well.

Mr. Whitehead stated the first phase would match the existing UVP and would construct two lanes from Highway 135 to South Blosser Road. The second phase would construct two lanes from Highway 135 to Hummel Road. The third phase would be to construct two additional lanes for a total of four lanes from Hummel to South Blosser Road. Design documents to construct the initial phase of two lanes would be ready this summer while the design for the four lanes was being done in a conceptual manner.

Chief Deputy City Clerk Perez read a letter from Fourth District Supervisor Joni Gray supporting the project.

Mayor Lavagnino opened the public hearing.

Frank Culley, Orcutt Citizens for Better Environment (OCBE), spoke in opposition to the project. He said he lives next to UVP and his property would suffer. He talked about the curved alignment. Some time ago there was a map put out by the City that crossed Highway 135 at an angle and went over to Foster Road. He found it interesting that temporary campers got more consideration than the homeowners in the area. He talked about the two Final EIRs for the project dated February 2009 and October 2008. He said they were not similar and had major changes. He asked for a 90-day continuance so people would have an opportunity to review the second Final EIR.

Mayor Lavagnino asked the City Attorney to explain how EIRs were a living document.

City Attorney Trujillo explained that an EIR was a developing document which continually changed as comments were received. The legal test was whether or not there was substantial new evidence introduced that was never considered before. If all the impacts were identified and the facts did not change but new comments or arguments were made, the document would continually evolve. The final document before the Council contained all the comments that were previously made to the EIR and staff's response to those comments.

Pat Culley talked about the two Final EIRs. The Planning Commission approved the October 2008 Final EIR. On March 6th, the public received a second Final EIR. She was told that the two EIRs were the same, then told that they were not identical. She said the two EIRs were substantially different, and the public must now go through the entire new document. She said the value of their homes had deteriorated with just the threat of the UVP. The City admitted that their homes would experience noise impacts; however, building an eight-foot sound wall was considered too expensive.

Jon Bradley talked about citizens having a privileged position in the CEQA process. The Final EIR did not contain all the public comments or the responses to those comments. The EIR did not analyze the environmental impacts of the whole project. He mentioned a meeting held in 2002 between the City, the County, Caltrans, Federal Highway Administration, SBCAG, and U.S. Fish and Wildlife Service planners where they came to an undocumented agreement to not show the connection from Blosser Road to Highway 1 in the EIR. The current EIR only implied that the UVP would not extend beyond Blosser while leaving open the possibility that it would be extended. The UVP would visit significant adverse environmental impacts to Orcutt.

Deborah Brandt stated it was said that this project had been planned for 40 years; but a lot had changed in 40 years. The draft EIR did not analyze greenhouse gas emissions or contributions to global warming. The second final EIR contained Appendix D-1, Strategies for Reducing Greenhouse Gas Emissions. She said much more could be done to address this issue and public concerns about the project's impacts. The EIR should not be approved until a thorough analysis was prepared to reduce greenhouse gas emissions.

Robert Popp spoke in opposition to the UVP EIR and the UVP project. He said the circulation plans which were the driver for the project were obsolete. The pressure in the future was going to be to get rid of gas guzzlers and use other modes of transportation. He did not think the circulation plans were taking this change into consideration. The residents of Foxenwoods were told they would be given a sound wall barrier; but now they were told it was too expensive and not reasonable.

Toru Miyoshi stated the initiation of the UVP happened when he was on the Board of Supervisors over 20 years ago. At that time, the Public Works Director recommended a dogleg from the proposed UVP to Foster Road. It gave direct access to the proposed Airport Research Park, and it would protect impacts to existing residents. If a project could be designed to protect existing development, that was what the Board of Supervisors approved back then. He asked how many trees would be removed with the proposed alignment and was concerned about the habitat being destroyed. At that

time, the primary beneficiaries of UVP were in the County and residents of the County from Highway 101 to Highway 135. He expressed concern that the lead agency was the City of Santa Maria when it should be the County of Santa Barbara.

Dave Stockdale spoke in favor of Alternative 4 which terminates the UVP at Highway 135. He said the resolution before the Council to approve the UVP contained a materially false statement that would prevent the Council from voting for it. The statement said "the locally preferred alternative alignment for the UVP is environmentally superior to all other alternatives except the no build alternative." The impacts were actually greater. The project would flatten and pave the habitat. If it stopped at Highway 135, it would not. City officials say the UVP was needed to attract business, "build it and they will come." The second thing he heard was if it was not built, the City would lose the money.

Joel Wood stated as an engineer he knew it was possible to take facts and figures and dehumanize them to get what you wanted. He heard more concern about protecting the Tiger Salamander than protecting the residents of Foxenwoods or the Orcutt area. Even though the City had grown, he did not see the need for increased infrastructure. He said this was an engineering exercise to spend money.

Steve Vandenberg, Deputy Director of SBCAG, said SBCAG was responsible for preparing and adopting a Regional Transportation Plan for the County. UVP had been in the Regional Transportation Plan for over 30 years. As a sign of SBCAG's commitment to the project, the Board of Directors of SBCAG committed $28 million for UVP. 79% of the voters also approved funding for the project when they approved Measure A which extended the transportation sales tax in the County for an additional 30 years. All communities in the County approved Measure A by at least a 2/3's vote. The $37 million in total committed for the project was an indication of its importance throughout the North County and throughout the entire County.

Tim Gubbins, Caltrans Deputy District Director for District 5, said for many years Caltrans, the County, the City, and SBCAG had worked in partnership for this project. Caltrans had worked in partnership on this EIR and had approved the Federal environmental document that accompanied the EIR. Caltrans would be the implementing agency on the interchange at Highway 101 and the Highway 135 intersection. The project would provide traffic circulation and alleviate traffic congestion in the Santa Maria/Orcutt area.

Scott McGolpin, Director of Public Works for the County of Santa Barbara, stated the UVP project had been in numerous County public documents for the last 30 years. In the 1970's, UVP was designated as an arterial and even as an expressway to run from Highway 101 to Highway 1. It was included in the County Circulation Element which was still a viable Circulation Element. In 1980, the County Planning Commission certified UVP as an arterial in the County's Comprehensive Plan. In 1997, the Board of Supervisors adopted the Orcutt Community Plan with the UVP as part of it as an arterial. In 1998, the Board adopted the Orcutt Transportation Plan with UVP included in that document as an arterial. In 2004, the Orcutt Community Plan was updated and UVP was included in that Plan. UVP was vital for the community. When completed, UVP would take through trips from Blosser to Highway 101 as well as Highway 135.

Councilmember Zacarías asked if all the County documents he mentioned included UVP all the way to Blosser Road.

Mr. McGolpin explained that in the County's documents, UVP went from Highway 101 to Highway 1.

Diane Bennett, Assistant Superintendent of Business of the Santa Maria Joint Union High School District, spoke in support of the UVP project. It would relieve traffic congestion tremendously on Foster Road and Bradley Road. Righetti High School was on that corner, and it was a consistent problem from a safety standpoint.

Chris Hastert, General Manager of the Santa Maria Public Airport District, spoke in favor of staff's recommendation. UVP would help relieve traffic as well as be beneficial to the Airport Business Park. The Airport did plan on moving forward with the Business Park. He talked about the pedestrian access on the south side of the Airport. There was currently no pedestrian access in the area; although, there was evidence that people went through the area. It was not maintained for safety, and there were liability concerns. With UVP, residents would be able to proceed along the bike paths and pedestrian walkways. The right-of-way that was a condition of approval for the Airport Business Park had been approved by the FAA, and the Airport District was ready to move forward with granting that right-of-way.

Harrell Fletcher stated he was on the Board of Supervisors about 35 years ago. This project was approved by the County at that time, and even before that as the East-West Expressway. It was for the benefit of the Orcutt residents and residents of Santa Maria. Over the years it became more beneficial than it was at that time. Originally, it went from Highway 1 to Sisquoc because Highway 101 was not there. There were no homes in that area when it was originally approved. City staff, the County staff, and all of people who approved it over the years used good judgment in putting UVP in the planning documents.

Laurie Tamura distributed a land plan for Orcutt and Santa Maria dated 1963 which included the UVP from Highway 101 to Highway 1. She said she was representing the rest of Orcutt. She said unless the Foxenwoods homeowners decided to sell all of their cars and chose not to generate noise, air pollution, and traffic on Clark, Foster, Lakeview, and Highway 135, UVP needed to be completed all the way through. The Council should move forward immediately. She supported the project and had for 27 years. All of the camping sites at Pioneer Park were built by Orcutt boys, and it would be a shame to impact youth camping for the Santa Maria Valley.

Mertie Walker, President of the Orcutt Area Advisory Group, said they definitely want UVP to go through. It was part of the Orcutt Community Plan.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Mr. Daulton explained that when they prepared the EIR, they did a habitat assessment looking at the acreage. They did not individually count trees; although, they would be required to do that as the project moved forward. The City had an Oak tree replacement program. For the Locally Preferred Alignment Alternative, the impact to Coast Live Oak woodlands would be 1.6 acres, and for the Foster Road alignment there would be no impact. For Eucalyptus woodlands, the Locally Preferred Alignment would impact 7.85 acres, and the Foster Road alignment would affect 3.52 acres.

City Attorney Trujillo indicated two letters were received from the firm of Truman and Elliott dated March 11, 2009, and March 17, 2009. City Attorney staff reviewed the letters and prepared a response to both of the letters.

Senior Assistant City Attorney/Utilities Counsel Stockton responded that the law required cities to study and consider the environmental consequences of their projects. For UVP, the product of many years of environmental study resulted in the Final EIR/ES that Council was considering. The legal goal was that the document be adequate and complete with a good faith effort of full disclosure. City staff believed the document was legally adequate. The City received two letters from Bradly Torgan challenging the adequacy of the EIR. Mr. Torgan represents Orcutt Citizens for Better Environment. This group sued the City a few years ago and lost. Mr. Torgan's clients want more time to review the response to their comments. The City had provided the review time that the law required. Mr. Torgan also said there was not enough evidence in the EIR that the Locally Preferred Alignment Alternative was environmentally superior. The law required that an EIR identify an environmentally superior alternative in order to inform the public and allow the Council to make a reasoned choice. The EIR did that. Mr. Torgan also said Blosser Road was not the "logical terminus of UVP." Mr. Torgan was missing the legal point. Federal regulations require a "logical termini criteria" discussion in the EIR. This discussion was in the document and followed the requirements of the

Federal regulations. The next point Mr. Torgan made was that the EIR discussed the wrong "no action" alternative. The EIR had to discuss a "no action" alternative. Mr. Torgan specifically said the EIR must include UVP from Blosser Road from Highway 1. The EIR discussed the correct alternative because the "no action" alternative must analyze existing conditions and what would reasonably be expected to occur in the foreseeable future. It was not foreseeable that the UVP would be built from Blosser Road to Highway 1 because that area was prime habitat for the California Tiger Salamander. Mr. Torgan proved this point in attachments to his own letter. Mr. Torgan said there was a significant environmental impact because the City and County planning documents would not match up if the City's Circulation Element deleted UVP between Blosser Road and Highway 1. Legally City and County planning documents do not need to match up. She asked Acting Community Development Director Woods to speak to that.

Acting Community Development Director Woods stated there was no rule of law that required City and County land use plans to be consistent. Each City and County established its own land use policies and detailed the likely future physical development pattern in the adoption of its General Plan. The General Plan was a vision of the community and a snapshot in time. The fact was that over time the City's population changed, priorities changed, and the physical environment changed. The General Plan would be monitored and revised to respond to and reflect changing conditions. There were often competing interests between City and County land use plans. The City's policies did not apply to land in the County unless or until that area was annexed. Deleting UVP past South Blosser Road was a different circulation plan from what the County had in its Circulation Element; however, staff did not believe their purpose was in conflict with the County's plan because the City and County had worked collaboratively over the last three years on the EIR.

Senior Assistant City Attorney/Utilities Counsel Stockton stated Mr. Torgan's letter also said that the EIR discussed the wrong project. She believed that meant that the EIR should have discussed UVP from Highway 101 to Highway 1 and that it should have discussed Blosser Road to Highway 1. In Staff's opinion, the EIR discussed the right project, the project before the Council. The purpose of an environmental review was to present the whole of an action with all of its environmental ramifications. City staff was asking the Council to approve the UVP with the Locally Preferred Alignment Alternative. To describe the project in any other way would not serve the purpose of full disclosure and would not allow the Council to make a reasoned decision with the proper evaluation of environmental consequences. In response to comments made by the public, she said greenhouse gas was an issue that was very new to cities in California. The thing about greenhouse gas emissions was that everyone was trying to understand them and what to do about them. The agency that was given the leadership role had not come out with a directive of what cities were supposed to do. The best thing known was that each individual government had to approach the issue in the manner that government saw as best. That was done to the best of their ability in the EIR and had been since the beginning.

Richard Daulton stated air quality impacts were regional, cumulative issues. When evaluating air quality impacts, a more global and regional context had to be considered. It was important to keep in mind that this project would not increase the number of vehicle trips in the system. What a transportation project could do was affect the amount of delay, congestion, vehicle miles traveled, and vehicle hours traveled, all of which contribute to greenhouse gas emissions. There were a series of mitigation measures recommended. Emissions were caused by land use decisions rather than transportation decisions.

Councilmember Zacarías said she heard Ms. Culley talk about noise mitigation and that spending $377,000 would not reduce the noise to an acceptable level, so the City was not going to spend the $377,000. She said the mitigation measures stated there would be an 8-foot tall, 365-foot long sound wall, as well as an 8-foot tall, 2000-foot wall berm or berm wall combination installed.

Mr. Daulton stated the City was proposing to construct an 8-foot concrete block sound wall between Foxenwood Drive and California Boulevard. Based on their noise analysis, sound mitigation was only required at a few homes adjacent to Foxenwood Lane. He thought the comments were talking about a different section of sound wall that would include seven homes west of California Boulevard. For this noise evaluation, they used the amount of change caused by the construction of UVP. They found the need to consider a sound wall for seven of the nine homes that were the furthest west. There was one very important fact that needed to be considered, and that was that although the noise level exceeded Caltrans criteria for noise level increase, it did not exceed the City's exterior criteria of 60 decibels.

Councilmember Zacarías asked if there was validity to Mr. Bradley's claim that the public did not have sufficient time to respond to the new final EIR.

Mr Daulton explained that according to CEQA, the public had a sufficient amount of time to review the second version of the Final EIR. The reason for the delay between the first version of the FEIR and the second, was after the EIR went to the Planning Commission, Caltrans requested review by other members of their organization. The document was in flux as they added information, tried to clarify things, and update conditions to match what had changed since October. Once the document became final, staff was able to send it back out to the persons submitting comments.

Councilmember Zacarías asked the City Attorney to explain his comments regarding significant new information that was introduced in comment letters or from members of the public.

City Attorney Trujillo explained that in regard to whether or not an EIR had to be recirculated because of new information, the legal test was that it had to be significant new information that was introduced either in the comment period or by members of the public. Staff felt that the information the City received did not rise to the level of significant new information that would require recirculation of the EIR. The Council, in staff's opinion, was able to legally act on the EIR because all the comments had been responded to and included in the EIR and every member of the public had the opportunity to review the document.

Councilmember Cordero asked what a multi-purpose trail was.

Mr. Daulton explained that it would be provided on the south end of UVP and would be a trail separated from the roadway for use by hikers, pedestrians, and bicyclists.

Councilmember Cordero asked about Alternative 2 with the slight curve. He said if he understood Mr. Daulton's response, it would be better to leave the habitat whole and not split it in half.

Mr. Daulton responded that was correct and was one of the reasons he believed the Locally Preferred Alignment Alternative was environmentally superior to the curved alignment which would fragment the habitat.

Councilmember Zacarías stated when she looked at the pictures, she did not see the curved alignment going through any growth of trees. It was difficult for her to understand how going through the growth of trees was better than going through the open scrub area.

Mr. Daulton stated the EIR did state that there was greater impact to trees from the Locally Preferred Alignment Alternative; however, there were greater impacts to Coastal dune scrub habitat from the curved alignment.

Councilmember Patino stated it was her understanding that the EIR had to be done for the entire project from Blosser Road to the Highway 101 interchange. She asked if the interchange would be separate when the project went out to bid.

Director Whitehead explained that was a requirement from the Federal Highway Administration to make sure that the environmental document was considering the whole project. The interchange would be designed and constructed separately from the extension project.

Councilmember Orach commented that having been involved with LAFCO and having been on the City Council for a long time, he understood that EIRs change on a daily basis. It was the final product that hopefully addressed all the issues. Reasonable minds had come to the conclusion that there were no significant additions. The determination to stop UVP at Blosser Road was the logical build out. When traffic congestion was relieved, it would relieve tension and animosity of people living in the area.

Councilmember Zacarías stated she had been concerned for a long time about traffic in the area. If there was some way to create other alternatives, the City should do that. She was convinced that something needed to happen west of Highway 135. She supported Alternative 2. It was not just about the trees and the endangered species. It was about all the people who drive and the people who live in the area. She would love to see reduction in usage of cars and more peddle power. She hoped the City would be true and honorable to the commitment to mitigate the noise, but she still had a hard time buying the conclusions of the EIR. She would not be supporting the adoption of the EIR and would support continued work with the community to resolve issues.

Councilmember Patino stated she had been in more meetings on the UVP than she liked. It was always with people saying it would not be built in their lifetime. She thanked the public for attending. She said UVP had been on the books since the 1960's. The interchange at Highway 101 and UVP was greatly needed. The two interchanges at Santa Maria Way and Clark Road supported the residents of Orcutt and were insufficient. She believed that UVP would take the traffic off of Foster Road and Lakeview. She read from the letter from the Department of Fish and Wildlife regarding terminating UVP at Blosser Road to protect the Tiger Salamander. She said people were more important than salamanders. However, there were other people who did not think so and forced the City to make decisions it would not make otherwise. She felt the City, the County and Caltrans had made a good faith effort at full disclosure. The EIR was not perfect, but she would be supporting it.

Councilmember Cordero stated this project was the biggest thing he had been involved with since being elected to the Council. One of the most interesting things he found was in the report by staff on the history of this project going back to 1963. He was impressed with the work that had been done. His understanding of the dilemma between the first and second EIR was that an EIR was a living document and could change. He was going to support the EIR and the current alignment. The Police Officer in him supported a straight alignment rather than a curved roadway. He was going to support staff's recommendation. It was high time this project got going.

Mayor Lavagnino stated in 1965 he went to work for the County of Santa Barbara. The person he worked for was a proponent of the East-West Freeway that went all the way from Highway 101 to Highway 1. He did not understand how a salamander was more important than a human being, but that was the way life was now. He sympathized with the people in Foxenwoods; however, there were other considerations that the Council had to look at. EIRs have been used for years and years as a way to stall projects that people did not like. In his opinion, environmental concerns were not really the issue for the people in Foxenwoods, they just didn't want the roadway going through causing more traffic and noise. This was a project that finally, after 40 years, was going forward.

Resolution No. 2009-39 was adopted certifying the FEIR/EA, making CEQA findings, adopting a statement of overriding considerations, and approving a mitigation monitoring program for the Union Valley Parkway Extension/Interchange Project on motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2009-39 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CERTIFYING THE UNION VALLEY PARKWAY EXTENSION/INTERCHANGE FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT (E-2008-053, SCH#2003101063), MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE UNION VALLEY PARKWAY EXTENSION/INTERCHANGE FINAL ENVIRONMENTAL IMPACT REPORT.

Resolution No. 2009-40 was adopted amending the General Plan Circulation Element by deleting the segment of Union Valley Parkway west of South Blosser Road on motion by Councilmember Zacarías, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-40 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE AMENDMENT TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN TO REMOVE THE SEGMENT OF UNION VALLEY PARKWAY AS A PRIMARY ARTERIAL ROADWAY BETWEEN SOUTH BLOSSER ROAD AND HIGHWAY 1, GP2008-004, E-2008-053.

Resolution No. 2009-41 was adopted approving the Locally Preferred Alignment Alternative for the Union Valley Parkway Extension between Hummel Drive and Blosser Road with four lanes, bike lanes, and a pedestrian path as described in the Environmental Impact Report, E-2008-053, on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2009-41 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE LOCALLY-PREFERRED ALIGNMENT ALTERNATIVE OF THE UNION VALLEY PARKWAY PROJECT, GP2008-004, E-2008-053.

Resolution No. 2009-42 was adopted authorizing staff to acquire County right-of-way, acquire mitigation lands required pursuant to the Biological Opinion, call for construction bids on the plans and specifications for the Union Valley Parkway Extension from State Route 135 to South Blosser Road, Bid No. 2010/02, and advertise upon Caltrans authorization to construct on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2009-42 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING STAFF TO ACQUIRE COUNTY RIGHT-OF-WAY, ACQUIRE MITIGATION LANDS REQUIRED PURSUANT TO BIOLOGICAL OPINION NO. 1-8-08-F-39, CALL FOR CONSTRUCTION BIDS ON

THE PLANS AND SPECIFICATIONS FOR THE UNION VALLEY PARKWAY EXTENSION SOUTH BLOSSER ROAD TO STATE ROUTE 135 SEGMENT, BID NO. 2010/02, AND ADVERTISE UPON CALTRANS AUTHORIZATION TO CONSTRUCT, GP-2008-004, E-2008-053.

Mayor Lavagnino recessed the meeting for a short break. Following the break, all Councilmembers were again present. Mayor Lavagnino reconvened the meeting.

GENERAL PLAN ANNUAL REPORT, SP-2009-004.
Acting Director of Community Development Woods gave the staff report. The City Council is asked to review recommendations regarding filing of the General Plan Annual Report for the 2008 calendar year. As required by California Government Code Section 65400, the Community Development Department shall submit an annual report to the City Council, the Governor's Office of Planning and Research, and the State Department of Housing and Community Development before April 1, 2009. This report includes the status of the plan and progress in its implementation as well as the City's progress in meeting its share of regional housing needs. A recent change in the law states that this "report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments." Chapter I introduces the legal requirements of the Annual Report. State law requires that the General Plan include seven elements: Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. Chapter II specifically addresses the Housing Element. State law requires the annual report to include ". . . the progress in meeting its share of regional housing needs . . ." for monitoring the success of implementing the Housing Element. This is the first year that the annual report contents are specified in the law. At the regular Planning Commission meeting of March 4, 2009, the Commission voted 5-0 to forward the General Plan Annual Progress Report to the City Council with the recommendation to file the report with the State.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Council received and filed the 2008 General Plan Annual Report and directed the City Clerk to file said report with the Governor's Office of Planning and Research and Housing and Community Development Department.

Due to his late arrival at the meeting, Mayor Lavagnino allowed Ernest Armenta to speak on Item 6 – Approval of a Business Retention and Attraction Loan which was discussed and approved earlier in the meeting.

Ernest Armenta spoke against using money from the sale of surplus water to fund business loans and felt the money from the sale of water should be used to reduce residents' water rates. He also said those funds should not go to the General Fund and should be given back to the rate payers.

CITY MANAGER'S REPORT
City Manager Ness reported that there was only one public hearing item for the April 7, 2009, City Council meeting regarding the 2009/10 CDBG and HOME Investment Partnership Allocations.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach reported that he had undergone prostate cancer surgery and was doing well. He thanked everybody for their support and kind wishes and thanked all the people at Marian Hospital for excellent care.

Councilmember Cordero reported that he met with the new owner of the mall to discuss the plans for the mall; he attended a dinner for the Santa Maria Police Council; on March 9th he attended the 10-Year Plan on Homelessness meeting in Solvang and met with several tow truck drivers; on March 10th he met with Lisa Hill on an economic development issue that the City was not involved in; and on March 16th he attended the Grand Opening of Trader Joe's.

Councilmember Patino reported she attended the Planning Commission meeting regarding the Police Impound Yard on March 4th; went to the public workshop on the water and sewer increase on March 11th; and attended to a meeting at Righetti High School.

Mayor Lavagnino reported that he toured all Central Coast Water Authority facilities on March 5th; appeared on KSMA radio with Utilities Director Sweet on March 6th and also spoke to the Santa Maria Valley Leadership group; attended a SBCAG Executive Board Meeting on March 9th; a quarterly schools meeting on March 11th and the Santa Maria Valley Industrial Education Committee luncheon; the CCWA Finance Committee meeting on March 12th; appeared on KSMA radio with Craig Shafer and PCPA on March 13th; met with Kira Klapper from KCOY at Trader Joe's on March 13th; attended a reception for Lois Capps in Santa Barbara where she was named Woman of the Year for the American Cancer Society on March 14th; and went to the new Trader Joe's on March 17th.

Councilmember Zacarías reported that she represented the Mayor at the Pots of Gold Clergy Dinner as a fundraiser for Catholic Charities; participated in the Santa Barbara Childcare Planning Council; attended the Community Action Commission Monthly Board Meeting; and continues to prepare income taxes for low-income families until April 4th.

Councilmember Orach disconnected the telecommuting session at 9:21 p.m. and did not participate in the Closed Session.

CLOSED SESSION:
Council recessed to a Closed Session at 9:21 p.m. for Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code: Agency Representative: Assistant City Manager, Employee Organization: Santa Maria Police Officers Association (SMPOA).

After the Closed Session, the following report was given:

Conference with Labor Negotiators – SMPOA: Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 10:11 p.m.

APPROVED

April 7, 2009
Date

Patricia A. Perez
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia A. Perez
Chief Deputy City Clerk

S. Lavagnino
Mayor of the City of Santa Maria